

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-20969 of 2017 (O&M)

Date of Decision: July 21, 2017

Akki

...Petitioner

VERSUS

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Charanpreet Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.228 dated 26.05.2015 under Section 21 of the NDPS Act, registered at Police Station City Phagwara, District Kapurthala.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that as per prosecution version, the petitioner was earlier in custody and she was granted interim bail till the receipt of report of Chemical Examiner. After receiving report of Chemical Examiner, the quantity recovered in this case found to be commercial one.

The petitioner was to surrender before the Court, but she did not surrender.

After the receipt of Chemical Examiner's report, the interim bail is to be

treated as cancelled.

The recovery in the present case is 260 grams of intoxicant powder, which is stated to be Diphenoxylate, which falls under commercial quantity. Section 37 of the NDPS Act bars the benefit of bail to the accused in the case of commercial quantity.

Therefore, finding no merit in the present petition, the same is dismissed.

July 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No